

CATEGORICAL EXCLUSION

Project Name/Applicant: Canyon Creek Fish Interrogation and Flow Gage Site /Friends of the Teton River (FTR)

Project/Case File Number: IDI-37741

Project Lead: Heather Schlenker, Realty Specialist /BLM Upper Snake Field Office

CE Number: DOI-BLM-ID-I010-2014-0035-CX

Date of Preparation: July 14, 2014

BACK GROUND AND PROPOSED ACTION:

On March 27, 2014, Mike Lien, with Friends of the Teton River (FTR), submitted an application (SF-299) requesting a right-of-way (ROW) authorization for a Fish Interrogation and Flow Gage Site to be installed on public land. The site would be referred to as the Canyon Creek Interrogation Site and would be located in Madison County as described below:

Boise Meridian, Idaho

T.6 N., R. 43 E.,
sec. 30, NWNW, NWSW.

The Canyon Creek Interrogation Site would be part of a larger network of 10 sites on various tributaries in the upper Teton River Watershed. Canyon Creek is considered by FTR and its agency partners to be a high priority tributary since it is one of the last remaining tributaries in the Greater Yellowstone Ecosystem with a dominantly pure Yellowstone Cutthroat Trout (YCT) population and an intact fluvial (river) run of YCT spawning from the Teton River. Establishing an Interrogation Site on Canyon Creek is considered a high priority project by the Teton Watershed Science Review Committee. The site would track the movement of trout in the watershed and establish information about trout life histories including timing of spawning migrations and non-native invasion trends.

A flow gage would be used to correlate fish spawning runs with the Canyon Creek flows. Data from the antenna would be used to help agencies manage YCT populations in the Teton River Watershed.

An Interrogation Site consists of two antennas (1/0 gage welding wire) placed across the stream in a loop (40' width) which captures PIT tag data and a data logger that is powered by solar panels. The antennas would be anchored to boulders on the left bank (using ropes attached to the boulders) and to fence posts on the rightbank. There would be one 4" x 4", 6' long steal post for the two 125 watt solar panels. A utility box (2' x 3') would sit on the ground above flood stage and would be locked to the 4"x 4" solar panel post. The flow gauge would consist of a 5 foot T-post along the stream bank. A PVC pipe would be attached to the post and would house the data logger.

Two signs would be placed on t-posts along the bank of the creek upstream from the interrogation site at intervals of 150' and 300' from the cables at highly visible locations and would state the following: "Caution Boaters: Portage Ahead in 100 (or 300) Feet." The antennas would be flagged, and brightly colored floats would be attached to the cable at mid-stream.

The interrogation site and flow gage would be in place for a period of approximately ten years. The site would be visited on a weekly basis during the spring and every two weeks during the summer and fall. The site would be monitored from March until November and would be shut off during the winter months. All equipment would remain in place year-round. A sign would be posted on the solar panel post and on each piece of equipment stating the following: "This is a fish survey site used for scientific research" (see Exhibit C).

Installation would require approximately two days and would be initiated as soon as possible.

The proposed action is to issue a grant of right-of-way to FTR for a period of approximately 10 years, expiring on December 31, 2024. The issuance of the right-of-way would be authorized under Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976) (90 Stat. 2776; 43 U.S.C. 1761), and the current regulations found at 43 CFR 2800. Standard BLM terms and conditions would be included in the FLMPA grant. The project is not located in Greater Sage Grouse Habitat.

CONSULTATION AND COORDINATION:

On May 12, 2014, this project was brought before an Interdisciplinary Team consisting of Bureau of Land Management (BLM) specialists. A description of the proposed action was posted to the online NEPA register. This is available to members of the public through the Idaho Upper Snake Field Office webpage. No comments were received and no issues/conflicts were identified for this project.

LAND USE PLAN CONFORMANCE:

The Proposed Action is located in Madison County, Idaho, within the boundaries of the Upper Snake Field Office. The BLM's Medicine Lodge Resource Management Plan (BLM 1985) provides general guidelines for the protection and use of resources in this area. The Proposed Action is in conformance with the BLM Upper Snake Field Medicine Lodge Resource Management Plan (RMP) and Record of Decision (ROD) (BLM 1985).

APPEALS INFORMATION:

Right-of-way Decisions become effective upon approval by the authorized officer (43 CFR 2801.10(b)). Appeal procedures may be found at *43 CFR 4.21 (58 FR 4939, January 19, 1993)* or *43 CFR 2801.10*.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 2, Appendix (1) 1.6. This exclusion states that nondestructive data collection, inventory, study, research, and monitoring activities that do not have any of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 may be excluded from further environmental review.

The ROW application has been assigned case file number IDI-37741. I recommend that the ROW authorization IDI-37441 be granted for a period of 10 years, subject to the terms and conditions and the attached stipulations (see Exhibit B). Cost recovery and rental fees on this right-of-way for FTR have been waived for a non-profit organization according to regulation found at 43 CFR 2804.21 and 2806.15.

The ROW is to be issued under the authority of Public Law 94-579 (Federal Land Policy and Management Act) and the regulations found at 43 CFR 2800.

/s/Heather Schlenker, Realty Specialist
Date:7/22/2014

/s/Deena Teel, NEPA Reviewer
Date:7/22/2014

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to grant a right-of-way authorization to FTR for IDI-37741, allowing for the installation, operation and maintenance of Fish Interrogation and Flow Gage Site to be installed on public land for data collection. The ROW encumbers 0.028 acres, more or less. The grant will be issued for approximately 10 years, expiring on December 31, 2024, subject to the current terms and conditions found at 43 CFR 2800 and the attached stipulations (Exhibit B). Cost recovery and rental fees on this right-of-way for FTR have been waived for a non-profit according to regulation found at 43 CFR 2804.21 and 2806.15.

Issuance of the right-of-way will cause no significant environmental disturbance. The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 2, Appendix (1) 1.6. None of the exceptions found in 43 Code of Federal Regulations (CFR) 46.215 apply.

/s/Jeremy Casterson, Field Manager
Date:7/23/2014

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(43 Code of Federal Regulations (CFR) 46.215)

The action described in categorical exclusion # ID- I010-2014-0035-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
1	Have significant impacts on public health or safety. <i>The proposed action would have no significant impacts on health or safety of the public.</i>		X
2	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <i>No wilderness, wilderness study areas or wild and scenic rivers are present near the project area. The ROW proposal would not impede opportunities for recreation.</i> <i>This project is not located within an Area of Critical Concern (ACEC) or Research Natural Area (RNA).</i> <i>No significant impacts to riparian-wetland areas would occur.</i> <i>Although migratory birds are present within the project area, no significant impacts to migratory birds would be expected.</i> <i>No known historic or cultural resources are located within the project area. This action is exempted per Stipulation V.A.1., Appendix C of the 2014 State Protocol agreement between BLM and Idaho State Historic Preservation Offices (SHPO).</i>		X
3	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]. <i>Action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. No known highly controversial or potentially significant environmental effects are expected to result from the issuing of the ROW. Action would not impact water quality or stream channels and floodplains.</i>		X
4	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>Action would not impact water quality or stream channels and floodplains. No known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks are expected to result from the issuing of the ROW.</i>		X
5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <i>The proposed action would not establish a precedent for future actions. Standard annual maintenance and monitoring practices would continue to be accomplished</i>		X

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
	<i>for the ROW in the same manner as other authorized ROWs. However, any new ground disturbing activities would be addressed and new NEPA would be required and effects evaluated.</i>		
6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. No cumulatively significant effects are anticipated to occur. No cumulatively significant effects anticipated for the stream channel/floodplain.</i>		X
7	Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office. <i>As there are no known historic properties listed or eligible for listing on the NRHP located in the project area, the proposed action would have no significant impacts.</i>		X
8	Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species. <i>As there are no T&E or Proposed species, or critical habitat present within the project area, no significant impacts to these species would be expected.</i>		X
9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>The proposed action would not violate any federal law or a State, local, or tribal law or requirement imposed for the protection of the environment. No cumulatively significant effects anticipated .</i>		X
10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>The proposed action would have no adverse effect on low income or minority populations.</i>		X
11	Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). <i>There are no sacred sites known to occur in the project area. Furthermore, the project would not limit access to Indian sacred sites on Federal lands or impact traditional resource use in the area.</i>		X
12	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). <i>Standard terms and conditions for weeds are included in the authorization. The proposed action would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species.</i>		X

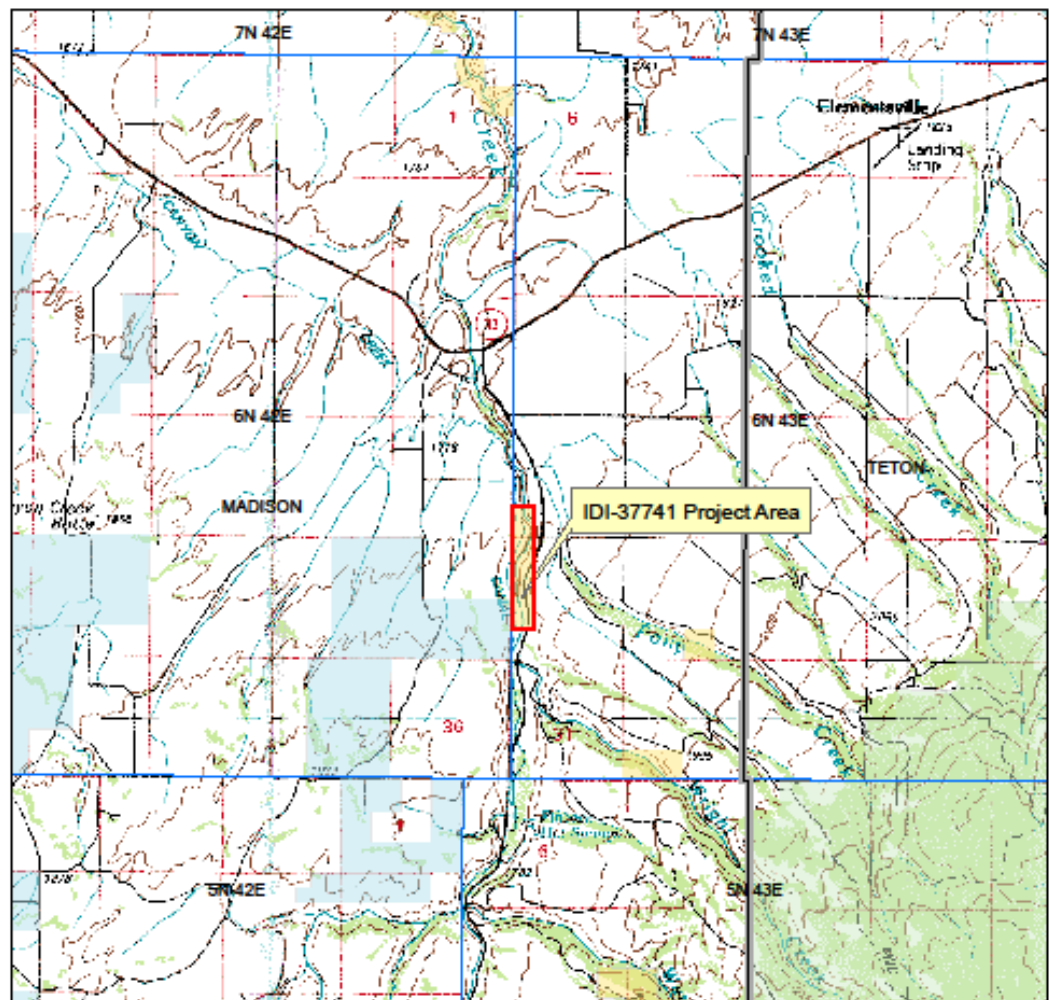


T. 6 N., R.43 E., sec.30
Madison County

Exhibit A




7/14/2014 HS

Friends of the Teton River/ IDI-37741 Fish Interrogation Site ROW Request



0 1 2 4
Miles

Legend

-  Bureau of Land Management
-  Private
-  State of Idaho
-  US Forest Service



THE OFFICIAL SEAL OF THE STATE OF IDAHO
IS HEREBY CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
AS KEPT IN THE OFFICE OF THE
CLERK OF THE STATE OF IDAHO



Stipulations- Exhibit B

IDI-37741

Operation and Maintenance

1. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
2. No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
3. Right-of-way shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
4. There is reserved to the Authorized Officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
5. Ninety (90) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan may include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
6. Wires will be marked with bird deterrent devices (provided by BLM) or other recommended and approved devices. The markers will be attached to the wires to increase visibility to birds and humans and reduce risk of collision.

Weed Control

7. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
8. Use of all pesticides (including fungicides, herbicides, insecticides, etc.) shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any

other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

Cadastral

9. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

Cultural

10. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
11. Pursuant to 43 CFR 10.4(g), the holder of this authorization must immediately notify the authorized officer by telephone, with written confirmation, upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Idaho SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the holder.

Friends of the Teton River
Canyon Creek Fish Interrogation and Flow Gage Site
March 2014

Section 7.

(a)

FTR is dedicated to conducting long-term fisheries population monitoring in order to inform fisheries management decisions, test the efficacy of our watershed restoration work, and to help prioritize our restoration and fisheries projects. All of our fisheries monitoring activities are conducted with our agency partners including the USFS, USFWS, IDFG, and WYGF and include flow monitoring, stream temperature monitoring, electro-fishing, redd surveys, and Interrogation Sites monitoring to track trout tagged with Passive Integrated Transponder (PIT) tags. FTR is proposing to install an interrogation site and flow gage on BLM property on Canyon Creek. When a tagged trout moves through the antenna the pill-sized tag previously inserted in the fish abdomen sends a number to the data logger. Using this technology, we can track the movement of trout in the watershed and establish valuable information about trout life histories including timing of spawning migrations and non-native invasion trends. A flow gage will be used to correlate fish spawning runs with the Canyon Creek flows.

The Canyon Creek Interrogation Site is a part of a larger network of 10 sites on various tributaries of concern in the upper Teton River Watershed. Canyon Creek is considered by FTR and its agency partners to be a high priority tributary since it is one of the last remaining tributaries in the Greater Yellowstone Ecosystem with a dominantly pure YCT population and an intact fluvial (river) run of YCT spawners from Teton River. The Canyon Creek YCT population is currently threatened by non-native rainbow invasion which is leading to hybridization. To date, hybrids have been found in middle section of Canyon Creek which is cause for alarm in this YCT stronghold stream. Establishing an Interrogation Sites on Creek is considered high priority projects by the Teton Watershed Science Review Committee whose members include USFS, USFWS, IDFG, WYGF, USGS, HFF and leading YCT researches. Data from the antenna will be used to help agencies manage YCT populations in the Teton River Watershed. This project will cost approximately \$12,000 to install and maintain for 10 years.

(b-c) An Interrogation Site consists of two antennas (1/0 gage welding wire) placed across the stream in a loop (40' width) which captures PIT tag data and a data logger that is powered by solar panels.

Antenna Anchor Points: we plan to anchor the antennas to boulders on the left bank (using ropes attached to the boulders) and to fence posts on the rightbank.

Solar Panels: We intend to install one 4 "x 4", 6' long steal post for the two 125 watt solar panels.

Utility Box: this 2' x 3' box will sit on the ground above flood stage and will be locked to the 4" x 4" solar panel post.

Flow Gage: We intend to install one 5' T-post along the stream bank. A PVC pipe will be attached to the post and will house the data logger.

Safety: Two signs will be placed on t-posts along the bank of the creek up stream from the interrogation site at intervals of 150' and 300' up stream from the cables at highly visible locations and will state the following: "Caution Boaters: Portage Ahead in 100 (or 300) Feet. Cables Across Stream." The antennas will be flagged and brightly colored floats will be attached to the cable at mid-stream.

(d-e)

The interrogation site and flow gage will be in place for a period of ten years. The site will be visited on a weekly basis during the spring and every two weeks during the summer and fall. The site will be monitored from March until November and will be shut off during the winter months. All equipment will remain in place year-round. A sign will be posted on the solar panel post and on each piece of equipment stating the following: "This is a fish survey site used for scientific research."

(f)

Materials to be transported are listed above.

(g)

Construction will take place in April in two days.

(h)

None needed.

Section 8. Map of Site

Proposed Location of Canyon Creek Interrogation and Flow Gage Site

